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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,245	08/22/2003	Thomas B. Garman	18054 USA	9405

27081 7590 07/29/2005

OWENS-ILLINOIS, INC.  
ONE SEAGATE, 25-LDP  
TOLEDO, OH 43666

EXAMINER

PATTERSON, MARC A

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/646,245

Applicant(s)

GARMAN, THOMAS B.

Examiner

Marc A. Patterson

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-23, 31 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/22/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Claims 24 – 30 in the reply filed on April 25, 2005 is acknowledged. The traversal is on the ground(s) that Applicant has amended Claims 1 and 14 to remove the limitation of telescoping or moving the ring over the closed end, and Claims 8 and 18 do not include the limitation of moving a ring over a closed end. This is not found persuasive because the original presentation of Claims 1 and 14 included the limitation on which the restriction was based, and Claims 8 and 18 also include the limitation of moving the ring over a specific end of the preform, because the ring is moved over the protrusion; the assembly or finish of Claims 24 – 30 could be made by moving the ring over the opposite end of the preform, which is a materially different method. Amended Claims 1 and 14 could also be used to produce a materially different product from the product of Claims 24 – 30, such as an assembly in which the portion of the preform to which the ring is abuttingly engaged is a portion that is neither a flange nor a protrusion.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 24 – 30 are rejected under 35 U.S.C. 102(b) as being anticipated by De Cuyper (U.S. Patent No. 6,079,579).

With regard to Claims 24 and 26 – 30, De Cuyper discloses a preform and an attachment object (cap, therefore a shroud; column 2, lines 29 – 31) the attachment object having a ring (therefore a circumferentially continuous or circumferentially split ring; column 2, lines 36 – 37) in abutting external engagement with a portion of the preform (lies against a seat, therefore received over the seat, which is an attachment feature; column 3, lines 63 – 65) in such a way that interference between the ring and the portion of the preform prevents dislodgement or removal of the attachment object (fixed; column 4, lines 10 – 14; Figure 10 also shows that the ring is seated between two projections, numbered '122,' therefore captured between a radially outwardly projecting circumferential flange and an external protrusion, which is also a retention bead for retaining the ring, spaced apart from the flange); however, the claimed aspect of the engagement being in such a way that interference between the ring and the portion of the preform prevents dislodgement or removal of the attachment object is directed to an intended use, and is therefore given little patentable weight.

With regard to Claim 25, the ring disclosed by De Cuyper is in surface press fit engagement with the surface of the preform (the cap is attached by a snap connection; column 4, lines 33 – 37).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497.

The examiner can normally be reached on Mon - Fri 8:30 AM - 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Marc Patterson 7/11/05*  
Marc A. Patterson, PhD.  
Examiner  
Art Unit 1772